



DEPARTMENT OF DEFENSE
UNITED STATES SOUTHERN COMMAND
3511 NW 91ST AVENUE
MIAMI, FL 33172-1217

REPLY TO
ATTENTION OF

SCCS

17 June 2003

POLICY MEMORANDUM 3-03

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Foreign Legal Claims

1. Careful planning and execution can reduce property damage, loss, and personal injuries involving Department of Defense (DoD) personnel within the United States Southern Command's area of responsibility (AOR). Some damage, loss, and injuries are unavoidable, however, and result in subsequent legal claims against the DoD and/or DoD personnel. To ensure friendly relations are maintained with host nations in the AOR, commanders must be prepared to accept claims and forward them to the appropriate agency.
2. Immediately upon written or verbal notification of a claim, commanders will contact their servicing judge advocate. Claims resulting from wrongful death or bodily injury will also be reported immediately to the USSOUTHCOM Joint Operations Intelligence Center.
3. Commanders will ensure that, at a minimum, claimants are given the Standard Form 95, Claim for Damage, Injury, or Death. Commanders will ensure that, upon return of the Standard Form 95, adequate contact information is obtained from the claimant/representative and all available witnesses. Claims involving loss of life or limb will be forwarded immediately, via fax, to the United States Southern Command Office of the Staff Judge Advocate (USSOUTHCOM SJA). Commanders will mail a hard copy of the claim to the USSOUTHCOM SJA within 48 hours of the claim submission.
4. Commanders will consult with their servicing judge advocate before providing any case information to claimants/representatives. No admission of guilt, promise of payment, or compensation will be made to claimants/representatives.
5. Tort Claims by U.S. personnel on duty within the USSOUTHCOM AOR are processed under the Military Claims Act (MCA), Title 10, United States Code, and Section 2734. The MCA authorizes payment of claims arising from tortious activities or omissions of U.S. personnel only when the acts or omissions were committed in the scope of duty.
6. The Army has single service claims responsibility for Haiti and Honduras; all other countries in Central and South America are not assigned to a military department as single service countries. All tort claims arising in the USSOUTHCOM AOR (except Haiti and Honduras) are the responsibility of the military department whose actions or personnel gave rise to the claim. Tort claims arising in Haiti and Honduras are the responsibility of U.S. Army South.

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7. All claims must be filed within two years of the date they arose. A claim is considered filed when a DoD activity receives it. Should your office be notified of a tort claim or potentially compensable event for which no claim has yet been filed, immediately notify the applicable service claims office.

a. Army: HQ, U.S. Army South, PO Box 3400, Fort Buchanan, Puerto Rico 00934-3400, Telephone: (787) 707-5159, DSN: 740-5159

b. Air Force: 12th Air Force/JA, 2915 South 12 AF Dr., Suite 157, Davis Monthan AFB, AZ 85707, Telephone: (520) 228-5618, DSN: 228-5618

c. Navy/ Marine Corps for claims arising in Belize, Costa Rica, Guatemala, Nicaragua, and Panama: Naval Legal Service Office Central, 206 South Avenue, Suite B, Pensacola, FL 32508-5100, Telephone: (850) 452-3730; and for all other areas: Navy Legal Service Office MIDLANT, 9260 Maryland Ave, Suite 100, Norfolk, Virginia 23511, Telephone: (757) 444-5341.

FOR THE COMMANDER:

A handwritten signature in black ink, appearing to read 'R. A. Huck', with a long horizontal line extending to the right.

R.A. HUCK

Brigadier General, U.S. Marine Corps
Chief of Staff, U.S. Southern Command

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